

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL W. SAVAGE,

Defendant.

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4:11CR3082

MEMORANDUM AND ORDER

A hearing was held today on the motion to withdraw filed by defendant's retained counsel, Kevin Oursland. Mr. Oursland is moving to Arizona in the very near future and cannot represent the defendant at his trial scheduled for November 14, 2011. The defendant is not requesting appointed counsel, and based on the information known at this time, will be retaining Jonathan M. Braaten as new counsel for this case. Mr. Braaten has not entered an appearance, and had not met with the defendant as of the time of the hearing.

The defendant agreed that his trial should not proceed on November 14, 2011. The defendant further agreed that his new counsel would need at least 30 days to review the file and prepare for the trial of this case, and the defendant agreed that the time between today's date and December 12, 2011 should be excluded from any calculation of time under the Speedy Trial Act.

Accordingly,

- 1) The trial of this case is continued, and is set to commence before the Honorable Warren K. Urbom at 9:00 a.m. on December 12, 2011, or as soon thereafter as the case may be called, for a duration of four (4) trial days, in Courtroom 4, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 2) A conference with counsel for the parties will be held before Judge Urbom in his chambers beginning at 8:30 a.m. on December 12, 2011.
- 3) Based upon the information disclosed at today's hearing, and with the defendant's agreement and consent, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial.

Accordingly, the time between today's date and December 12, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 4th day of November, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge